IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE TWENTY THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT APPEAL NO : 1518 of 2002

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 29/07/2002 in WP NO.11078 OF 2002 on the file of the High Court.)

Between:

M/s Electornics Corporation of India Limited, ECIL Post, Hyderabad-500062, represented by its Chairman and Managing Director,

..... APPELLANT

AND

1 The Hon'ble Industrial Tribunal –II, represented by its Chairman, Chandravihar Buildings Nampally ,Hyderabad.
2 P.Sankaraiah S/o Ramulaiah, Pogulagudem, Ghatkesar Mandal Ranga Reddy District.
3 The State of Andhra Pradesh, represented by its Secretary, In Charge Labour, Secretariat, Hyderabad.

.....RESPONDENTS

Standing Counsel for the Appellant: MR.P.NAGESWAR SREE

Counsel for the Respondent Nos.1 and 3: GP FOR SERVICES-I.

Counsel for Respondent No.2: Mr.A.K.JAYA PRAKASH RAO.

The Court made the following:

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ORAL ORDER: (per GB.J.)

The Writ Appeal is directed against the judgment of the learned single Judge in Writ Petition No.11078 of 2002, dated 29.7.2002.

2. The 2nd respondent was working in the Electronics Corporation of India Limited and while so a charge sheet was issued alleging that he produced a false Scheduled Tribe Caste Certificate and secured employment and therefore disciplinary enquiry was initiated against him and ultimately he was removed from service. Challenging the said removal, he raised an industrial dispute before the Industrial Tribunal in I.D.No.234 of 2000. The learned Tribunal, after considering the matter, passed an Award on 27.2.2002 holding that the misconduct alleged against the 2nd respondent was not made out and accordingly set aside the order of punishment and directed reinstatement with 25% back wages with continuity of service and other attendant benefits. Aggrieved by the said Award, the Management carried the matter before this Court in the above Writ Petition. The learned single Judge, after elaborate consideration of the matter, confirmed the Award passed by the Tribunal. Against which, the present Writ Appeal has been filed by the Management.

3. The learned Standing Counsel for the appellant submits that the Industrial Tribunal as well as the learned single Judge have not properly considered the matter and therefore the matter requires reconsideration before this Court. He also made an attempt to sustain the order of the Management on the ground that the misconduct was made out against the 2nd respondent and that the Tribunal, on mis-appreciation of the evidence, came to a wrong conclusion, which was confirmed by the learned single Judge.

4. We are afraid we cannot accept the contention raised by the learned counsel for the appellant. In the first instance the industrial dispute was adjudicated by the Tribunal, wherein the evidence was led in by both the parties and basing on the said evidence, the Tribunal came to a conclusion that the misconduct was not made out

and accordingly the Award was passed directing reinstatement of the 2nd respondent with 25% back wages, and the learned single Judge again after considering the matter, came to a conclusion that there is no infirmity in the Award of the Tribunal and dismissed the Writ Petition filed by the Management. Thus, we do not find any ground to interfere with the said orders. We do not find any merit in the Writ Appeal.

5. Accordingly the Writ Appeal is dismissed. No costs.

(G.BIKSHAPATHY, J.)

23rd February, 2005.

(P.S.NARAYANA, J.)

SSR

To

1 The Chairman and Managing Director, M/s Electornics Corporation of India Limited, ECIL Post, Hyderabad- 500062,

2 The Chairman, Industrial Tribunal –II,
Chandravihar Buildings, Nampally, Hyderabad.

3 The Secretary, In Charge Labour, State of Andhra Pradesh, Secretariat, Hyderabad.

4 2 CCs to G.P. for Services-I, High Court of A.P. Hyderabad. (OUT)

5 2 CD copies

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